IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 651 OF 2006
IN
SUIT NO. 606 OF 2006

M/s.Om Builders Pvt.Ltd. .. Plaintiff.

V/s.

The Saraswat Co-op.Bank Ltd. & Anr. .. Defendants.

None appears for the Plaintiff.

Mr.Prashan Naik i/by Y.R.Naik for the defendant No.1.

CORAM : S.A. BOBDE, J.

DATED : 27th NOVEMBER, 2006.

P.C.:

. Mr.Naik, the learned counsel for the Defendant No.1 points out that the plaintiff is guilty of default of payment of instalment as directed by this court in the order dated 20th February, 2006. In paragraph 4, this court clearly observed as follows :-

> "4. There shall be an ad-interim order in terms of prayer clause (a). However, it is clarified that if there is a default of any instalment in depositing the aforesaid amount, the ad-interim order shall stand vacated and the motion shall stand dismissed."

None appears on behalf of the plaintiff to show deposit of any instalment.

2. In view of the order dated 20.02.2006 which is in operation and its non-compliance, this notice of motion is dismissed.

(S.A.BOBDE,J.)

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